HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 603 (S/S)06:

Surendra Singh S/o Mohan Singh,
R/o village and post Gular,
District Bageshwar. --------Petitioner.

Vs.

1. Commandant Indo-Tibetan Border Police,
   IIIrd Battalion Chauberi Bareilly,
2. Deputy Inspector General of
   Indo-Tibetan Border Police,
   Bukhara Camp, Bareilly. ------Respondents.

Sri Ganesh Kandpal, leaned counsel for the petitioner.
Learned Asstt. Solicitor General of Union of India/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ganesh Kandpal, learned counsel for the petitioner and Sri V.B.S. Negi, learned Asstt. Solicitor General for Union of India.

2. By means of this writ petition, the petitioner has prayed for the following reliefs:-

(1) Issue a writ, order or direction in the nature of mandamus directing/commanding the respondents to decide the appeal dated 13.01.2006 (contained as annexure no. 4 to this writ petition) filed by the petitioner.

(2) Issue any other order or direction, which be deemed fit and proper under the facts and circumstances of the case in favour of the petitioner,

(3) Award cost of the petition to the petitioner.

3. Submission of the learned counsel for the petitioner is that he was enrolled in Indo-Tibetan Border Police on the post of Washman on 31st January 2005. On 31st September 2005, a show cause notice was issued to the petitioner by the commandant Indo-Tibetan Border Police IIIrd Battalion Chauberi, Bareilly. In the aforesaid notice it was stated that why the petitioner should not be removed from the services on the disability ground keeping in view of the opinion of the Medical Board.

4. The petitioner has already replied the notice on 10.10.2005. However vide order dated 08.12.2005, the commandant 3rd Battalion Indo-Tibetan Border Police has terminated the petitioner from his services. Against the order dated 08.12.2005, the petitioner has preferred appeal on 13th January 2006 before the respondent no. 2 i.e. Deputy Inspector General of Indo-Tibetan Border Police, Bukhara Camp, Bareilly and the same is pending before the respondent no.2.

5. During the course of argument, learned counsel for the petitioner has confined his prayed that the respondent no. 2 may be directed to decide the appeal of the petitioner at the earliest.

6. The prayer is innocuous.

7. Consequently, I direct the respondent no. 2 to take decision in the appeal of the petitioner (annexure no. 4 to the writ petition) within a period of six weeks from the date of production of a certified copy of this order.

8. With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

May 4, 2006:
NCM: